

Appeal from a decision of the Eastern States Office, Bureau of Land Management, rejecting oil and gas lease offers ES 25335 TN and ES 25336 TN.

Affirmed.

1. Oil and Gas Leases: Acquired Lands Leases -- Oil and Gas Leases:
Description of Land -- Regulations: Interpretation

It is proper to reject an oil and gas lease offer submitted for less than an entire tract of acquired land, not surveyed under the rectangular system of public land surveys, where the boundary of the tract is not described by course and distance between the successive angle points of the boundary of the tract.

Where there is an exclusion of an area within the boundary of the tract, the exclusion must likewise be described by course and distance between its angle points.

APPEARANCES: Katherine C. Thouenz, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Katherine C. Thouenz appeals from two decisions of the Eastern States Office, Bureau of Land Management (BLM), dated May 14, 1982, rejecting her offers to lease certain acquired lands for oil and gas. Each offer was rejected by BLM because appellant failed to provide a correct description by courses and distances of the lands sought.

In offer ES 25335 TN, for example, appellant used the following metes and bounds description:

Thence S 58 degrees 30' W 103.44 chains to a stake scribed P.W.S., E.L. Co.
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Thence in a southeasterly direction across said tract WT-1 to corner 387, a stake scribed P.W.S., B.W. 387;

Thence S 86 degrees 15' E 40.98 chains to a stake scribed P.W.S., B.W. 388;

Thence N 4 degrees 49' E 37.47 chains to a stake scribed P.W.S., T.Co. 389;

Thence in a northwesterly direction across said tract WT-1 to the PLACE of BEGINNING, containing 7,468.7 acres, in this part of Tract WT-1. [Emphasis supplied.]

BLM's decision refers to two errors in this description without setting forth the errors in further detail. However, it is clear upon inspection that neither courses nor distances are provided by appellant in setting forth the underscored portions of this description.

Offer ES 25336 TN is also flawed. Beginning at a well-defined point on top of Holston Mountain Ridge, the description continues: "Thence across said tract WT-1 to corner scribed P.W.S., T.Co. 389; * * * Thence 16 degrees 55' E 22.03 chains to corner scribed P.W.S., G." Inspection again reveals the lack of courses and distances in the first of these descriptions and an incomplete bearing on the second.

In rejecting offers ES 25335 and ES 25336, BLM relied upon 43 CFR 3101.2-3(b)(1), which states as follows:

(b)(1) Lands not surveyed under the rectangular survey system. If the lands have not been surveyed under the rectangular system of public land surveys, and the tract is not within the area of the public land surveys, it must be described as in the deed or other document by which the United States acquired title to the lands or minerals. If the desired land constitutes less than the entire tract acquired by the United States, it must be described by courses and distances between successive angle points on its boundary tying by course and distance into the description in the deed or other document by which the United States acquired title to the land. In addition, if the description in the deed or other document by which the United States acquired title to the lands does not include the courses and distances between the successive angle points on the boundary of the desired tract, the description in the offer must be expanded to include such courses and distances. [Emphasis in original.]

A description of the parcels sought using courses and distances is clearly required by the regulations. Appellant failed to provide a complete description of the parcels, and hence BLM's decisions must be affirmed.

In her statement of reasons on appeal, appellant states:

In reviewing the decision and the reason set forth for rejection, it is difficult to determine why it was rejected.

First, it adequately described the acreage, second, the Forest service said "The applicant's maps and descriptions are accurate, and adjoining boundaries are in agreement." and third, the courses and distances being disputed give the proper direction and attach two known points.

We agree with appellant that BLM could have spelled out more clearly the flaws in appellant's land description, but we hold, nevertheless, that it correctly rejected the subject offers as lacking complete land descriptions. The absence of courses and distances in the examples set forth above belies those statements of the Forest Service and appellant that accurate land descriptions have been provided.

Offer ES 25336 TN contains yet another defect in need of correction. The land description accompanying this offer concludes with the following words: "LESS AND EXCEPT Tract U-757 containing 28.61 acres, leaving a total of 9,338.15 acres in this part of Tract WT-1." The requirement that courses and distances be provided for lands included in an offer extends also to those lands sought to be excluded therefrom. Chevron, U.S.A., Inc., 67 IBLA 266 (1982). See also Sam P. Jones, 45 IBLA 208 (1980). Thus, appellant must describe tract U-757 by courses and distances before her offer meets the requirements of 43 CFR 3101.2-3(b)(1). Upon correcting this defect and those pointed out herein, appellant will gain priority as of the date that her corrected offers are filed with BLM. Samuel W. McIntosh, A-30490 (Mar. 28, 1966).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are affirmed.

Anne Poindexter Lewis
Administrative Judge

We concur:

Bruce R. Harris
Administrative Judge

Will A. Irwin
Administrative Judge